

Subject: Numbered Memorandum RM 06-21: "NWM 15.2006 Final Rule on the Disposal of Transitory Email Records"

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From: RM Communications [<mailto:RM.Communications@nara.gov>]
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Subject: NWM 15.2006 Final Rule on the Disposal of Transitory Email Records

February 22, 2006

NWM 15.2006

MEMORANDUM TO FEDERAL AGENCY CONTACTS: Final Rule on the Disposal of Transitory Email Records.

As part of NARA's Records Management Initiatives to redesign Federal records management, I am pleased to inform you of a new regulation that authorizes agencies to dispose of very short-term temporary electronic mail (email) records (i.e., those with a retention of 180 days or less) without creating a separate paper or electronic recordkeeping copy, as had been required under NARA's old regulation.

The final rule becomes effective on March 23, 2006. At that time, it will be incorporated into NARA's records management regulations posted on the NARA web site at <http://www.archives.gov/about/regulations/part-1234.html>. A copy of the regulation is attached to this memo for your information.

As promulgated, the final rule is limited to transitory Federal records covered by GRS 23, Item 7, or a NARA-approved agency records schedule covering records with retention periods of less than 180 days. Under this regulation, agencies may maintain and delete transitory email records from their live email systems without transferring these records to a recordkeeping system, provided that (1) users do not delete any records before the expiration of their NARA-approved retention period, and (2) the email system's automatic deletion rules ensure the preservation of records for the duration of their NARA-approved retention period. If an agency's "auto-delete" rule is set at 180 days, it may be applied to records with a shorter retention period also. The NARA regulation does not allow agencies to use the "auto-delete" rule for records with retention periods greater than 180 days.

The new regulation offers agencies an alternative process for managing transitory email records. Agencies may continue to create and file separate

recordkeeping copies for all email records including transitory records if that existing process better meets their needs. Whichever process they select, agencies should remind their employees that the disposal of any records, including email, that have been requested under FOIA or in connection with ongoing or imminent litigation, audit, or investigation may need to be frozen or held in suspense until all actions are resolved.

If you need more general information about the contents of this notice, please contact Laurence Brewer, Director of the Life Cycle Management Division at Laurence.Brewer@nara.gov or on 301-837-1539.

*PAUL M. WESTER, JR.
Director
Modern Records Programs*